

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA,
Respondent,

v.

MICHAEL ANTHONY DYKES
Petitioner.

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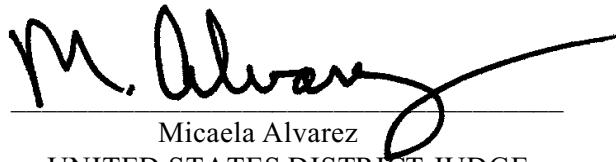
CRIMINAL NO. 5:03-cr-01846
CIVIL NO. 5:04-cv-00175

ORDER

Pending before the Court is a Motion to Amend Petitioner's 28 U.S.C. § 2255 Motion to Correct Sentence. A pleading may be amended "once as a matter of course at any time before a responsive pleading is served." FED. R. CIV. P. 15(a). *See, e.g., United States v. Saenz*, 282 F.3d 354 (5th Cir. 2002); *Shipner v. Eastern Airlines, Inc.*, 868 F.2d 401, 406-07 (5th Cir. 1989) ("unless a substantial reason exists to deny leave to amend, the discretion of the district court is not broad enough to permit denial"). Although the allegations in the amended pleading are largely the same as those in the original, because this is petitioner's first amendment to his pleading and it was submitted before the respondent filed an answer, it is hereby **GRANTED**.

IT IS SO ORDERED.

This 12th day of July, 2005.


Micaela Alvarez
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS NOTICE SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.